



SB335 – Real Property – Unlawfully Restrictive Covenants – Modification by Municipalities

Senate Judicial Proceedings Committee

February 16, 2023 – 1:00 PM

Position: Support

Dear Chair, Vice-Chair, and Members of the Committee:

The City of Gaithersburg writes to support **SB335 – Real Property – Unlawfully Restrictive Covenants – Modification by Municipalities**.

Under current law, an unlawfully restrictive covenant is any recorded covenant or restriction that restricts ownership based on race, religious belief, or national origin. A person holding an ownership interest in property that the person believes is subject to an unlawfully restrictive covenant, or a nonprofit entity required to enforce covenants within a defined residential neighborhood may execute and record a modification to an unlawfully restrictive covenant. If passed, SB 335 would expand authorization to municipalities to execute and record a restrictive covenant modification to an unlawfully restrictive covenant if (1) the property the municipality believes is subject to an unlawfully restrictive covenant is within the boundaries of the municipality and (2) at least 30 days before executing and recording the restrictive covenant modification, the municipality provides written notice of its intent to all persons with an ownership interest in the property.

With over 70,000 residents, Gaithersburg is one of the largest and most diverse cities in Maryland, offering a safe and inclusive place to live and visit. It is important that we have the ability to execute and record a restrictive covenant modification to an unlawfully restrictive covenant if the subject property is within the boundaries of the municipality. Therefore, we respectfully request a favorable report on SB335.

Should you have any questions, please feel free to contact me at 301-466-5350 or our government relations consultant, Therese Hessler, at therese@ashlargr.com. We appreciate your support.

Respectfully submitted,

Jud Ashman
Mayor

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